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**34**th plenary meeting
Thursday, 27 October 2016, 10 a.m.
New York

*President*: Mr. Thomson ..... (Fiji)

*The meeting was called to order at 10.10 a.m.*

**Agenda item 70**

**Report of the International Court of Justice**

**Report of the International Court of Justice (A/71/4)**

**Report of the Secretary-General (A/71/339)**

**The President**: I welcome The Honourable Judge Ronny Abraham, President of the International Court of Justice, to the General Assembly.

Before we turn to the report of the Court (A/71/4), I would like to take this opportunity to make a few remarks about the role of the Court in international relations and in furthering our goal of the peaceful settlement of international disputes.

In April, the international community celebrated, in The Hague, the seventieth anniversary of the International Court of Justice, the principal judicial organ of the United Nations and the tireless custodian of the international legal order. Over the past seven decades, the success of the Court as an impartial arbiter has been proven time and again, as the confidence of the international community in the Court's capacity to deliver justice has grown. More and more States have sought resolution of their disputes through the decisions of the International Court of Justice. It is clear that the existence of the Court and its ability to deliver justice for all have shaped the course of history.

We can ask ourselves how many conflicts, how many fatalities and how much human suffering have been avoided thanks to the availability of the Court to peacefully settle States' international disputes. We can reflect as well on how much the rule of law has been strengthened internationally thanks to the authority of the Court's judgments. Moreover, it would be impossible to measure how many international, national and sub-national authorities have drawn inspiration from international law, based upon the Court's judgments and advisory opinions.

What we know is that the International Court of Justice is an indispensable part of the United Nations system and its ability to maintain international peace and security. This landmark anniversary year calls on all of us to reflect on the Court's critical role. Let us therefore take this opportunity to reaffirm our steadfast support for the Court and its jurisdiction.

Let me express my appreciation to the President of the International Court of Justice for the work of the Court.

It is now my honour to invite Judge Ronny Abraham, President of the International Court of Justice, to take the floor.

**Judge Abraham**, President of the International Court of Justice (*spoke in French*): I would like to thank the General Assembly for continuing the practice of allowing the President of the International Court of Justice to present the activity of the Court over the past year, a practice that reflects the Assembly's interest in and support for the Court.

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Before informing the Assembly about the work of the Court during the past 12 months, I would like to take this opportunity to congratulate you, Mr. President, on your election to the presidency of the General Assembly at its seventy-first session. I wish you every success in discharging that distinguished role.

Between 1 August 2015 — the starting date of the period covered by the Court's report (A/71/4) — and today, up to 15 contentious cases have been pending before the Court, and hearings have been held in seven of them. The Court first heard the oral arguments of the parties on the preliminary objections raised by the respondent in the cases *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)* and *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua v. Colombia)*. It then held hearings on the questions of jurisdiction and admissibility raised in the cases *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. India)*, *(Marshall Islands v. Pakistan)* and *(Marshall Islands v. United Kingdom)*. The Court also heard oral arguments from the parties, a few weeks ago, on the preliminary objections raised by Kenya in the case *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*. That case is currently under deliberation. Finally, last week, between 17 and 19 October, the Court held hearings on a petition for provisional measures submitted to it by Equatorial Guinea on 13 June 2016, in the case *Immunities and Criminal Proceedings (Equatorial Guinea v. France)*. The Court will shortly render its decision on that petition.

Since 1 August 2015, the Court has also rendered seven judgments. One contemplated the merits of the joined cases *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)* and *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*, and the other six settled preliminary questions relating to the jurisdiction of the Court and the admissibility of certain claims.

Lastly, it should be noted that the Court also decided, for the first time in many years, to solicit an expert opinion in one of the cases pending before it — the case *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua)*. It did so by issuing an order to that effect on 31 May 2016.

I shall now give a brief account of the substance of those decisions.

First, I shall address certain aspects of the judgment rendered on the merits of the claims of Costa Rica and Nicaragua in the two joined cases *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)* and *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*, respectively.

In its 16 December 2015 judgment, the Court first heard the first of those two cases. I would recall that the proceedings were instituted in late 2010 by Costa Rica, which complained in particular that Nicaragua had invaded and occupied what it claimed to be Costa Rican territory; that it had dug a channel, also known as a "caño" thereon; that it had conducted a number of works, notably dredging in the San Juan River, in violation of its international obligations; that it had breached the provisional measures indicated by the Court in the case in 2011 and 2013; and, finally, that it had breached Costa Rica's navigation rights on the San Juan River.

In order to settle the dispute before it, the Court first dealt with the question of which of the two States had sovereignty over the disputed territory. To do so, the Court considered the Treaty of Limits by which the Parties had fixed the course of their land boundary in 1858, as well as a number of arbitral awards in which two arbitrators had given their interpretation of certain disputed points in relation to the Treaty of Limits.

The Court concluded from its analysis of those instruments that sovereignty over the territory in dispute in the case belonged to Costa Rica. It therefore found that the activities carried out by Nicaragua in that territory since 2010 were in breach of Costa Rica's territorial sovereignty and that Nicaragua was obliged to make reparation for the damage caused.

The Court then turned to the question of whether, through its activities on its own territory, in particular in the San Juan River, Nicaragua had violated obligations incumbent upon it under international environmental law. It considered first the question of compliance with procedural obligations that had allegedly been breached, those obligations being of both a customary and a conventional nature. The Court found that the activities carried out by Nicaragua were not such as to give rise to a risk of significant transboundary harm and that the respondent was thus not under an obligation

to carry out an environmental impact assessment, or to notify and consult with the applicant in that regard.

The Court further stated that it was not convinced that Nicaragua had breached any obligation to notify and consult contained in international conventions, as was alleged by Costa Rica in the case. It therefore concluded that Nicaragua had not violated any procedural obligations. Secondly, with respect to substantive obligations, the Court concluded that the available evidence did not show that Nicaragua had caused prejudice to the territory of Costa Rica or breached its obligations concerning the prevention of transboundary harm by engaging in dredging activities in the lower San Juan River.

The Court continued its analysis by examining whether Nicaragua had breached its obligations under the orders handed down in the same case indicating provisional measures. Indeed, by an order of 8 March 2011, the Court had ordered a number of provisional measures in that case, the binding nature of which was not in dispute. I would recall that the Court stated in its *LaGrand (Germany v. United States of America)* judgment, rendered on 27 June 2001, that such measures are binding on the parties. On the basis of the facts presented to it, which were uncontested by the parties, the Court found that Nicaragua had breached its obligations under the 2011 order.

The Court next addressed Costa Rica's allegations that Nicaragua had committed a number of breaches of its navigational rights on the San Juan River. Finding that Nicaragua had not provided a convincing justification for the conduct of its authorities in incidents concerning navigation on the San Juan River by inhabitants of the Costa Rican bank of the river, the Court concluded that Nicaragua had breached Costa Rica's navigational rights on the San Juan River pursuant to the 1858 Treaty of Limits.

Concerning the reparation requested by Costa Rica, the Court held that the declaration that Nicaragua had breached the territorial sovereignty of Costa Rica by excavating three caños and establishing a military presence in the disputed territory provided adequate satisfaction for the non-material injury suffered on that account; the same applied to the declaration of the breach of the obligations under the Court's order of 8 March 2011 on provisional measures, and to the declaration of the breach of Costa Rica's navigational rights.

The Court further considered that Costa Rica was entitled to receive compensation for the material damage caused by Nicaraguan breaches. It stated that the parties should engage in negotiation in order to reach an agreement on the compensation issues. However, the Court specified that if the parties failed to reach such an agreement within 12 months of the date of its judgment, it would itself, at the request of either party, determine the amount of compensation.

Having examined the case of *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*, the Court turned secondly to the matters in dispute in the case of *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*. I would recall in that respect that the proceedings had been instituted by Nicaragua against Costa Rica on 22 December 2011, the applicant alleging "violations of Nicaraguan sovereignty and major environmental damages to its territory". Nicaragua contended, in particular, that Costa Rica was carrying out major road construction works in the border area between the two countries, along the San Juan River, in breach of a number of international obligations and with grave environmental consequences for Nicaragua.

The Court therefore examined whether Costa Rica had breached obligations of a procedural or substantive nature in respect of environmental protection. With regard to the procedural obligations, the Court first considered the alleged breach of the obligation to carry out an environmental impact assessment. It found that the road construction project undertaken by Costa Rica carried a risk of significant transboundary harm. It therefore concluded that the threshold for triggering the obligation to evaluate the environmental impact of the road project had been met. Finding also that Costa Rica had, in any event, not shown the claimed existence of an emergency that would, in its view, have justified constructing the road without undertaking an environmental impact assessment, the Court considered whether Costa Rica had complied, in the circumstances of the case, with its obligation to carry out such an assessment.

It observed that that obligation required an ex ante evaluation of the risk of significant transboundary harm — that is to say, before the implementation of the project — whereas the studies carried out by Costa Rica were post hoc assessments that evaluated the environmental impact of stretches of the road already built, and not the risk of future harm. The Court thus

concluded that Costa Rica had not complied with its obligation under general international law to carry out an environmental impact assessment concerning the construction of the road. In view of that conclusion, the Court considered that it need not determine whether Costa Rica was required under general international law to notify and consult with Nicaragua, prior to carrying out the work. It also found that it was not established that Costa Rica had violated any obligation to notify or consult pursuant to the treaties invoked by Nicaragua.

The Court went on to consider the alleged breaches of substantive obligations incumbent upon Costa Rica under international environmental law. After examining the relevant evidence, the Court found that Nicaragua had not proved that the construction of the road had caused significant transboundary harm and therefore rejected Nicaragua's claim that Costa Rica had violated its substantive obligations under common international law regarding transboundary harm. The Court also rejected the rest of Nicaragua's submissions concerning Costa Rica's alleged violations of substantive obligations contained in various treaties, Nicaragua having failed to demonstrate that Costa Rica had disregarded the texts in question.

Lastly, the Court considered Nicaragua's claim that the dumping of sediment caused by the construction of the road and the creation of sediment deltas in the river constituted a violation of its territorial integrity and sovereignty over the San Juan river. It found that claim unconvincing, observing that Costa Rica did not exercise any authority on Nicaragua's territory, including the river, and did not carry out any activity thereon. It therefore dismissed Nicaragua's claim in that regard.

With regard to the reparations requested by Nicaragua, the Court concluded that a declaration of wrongful conduct in respect of Costa Rica's violation of the obligation to conduct an environmental impact assessment was an appropriate measure of satisfaction.

As I mentioned in my introduction, during the period under review the Court also delivered six judgments on preliminary questions relating either to jurisdiction or admissibility. On 24 September 2015, it handed down a judgment by which it rejected the preliminary objection to jurisdiction raised by Chile in the case concerning an *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*. Having presented that judgment in the statement that I had the honour to make last year to the Assembly (see A/70/PV.47), I shall not go back over that decision.

I will therefore begin by recalling certain elements of the judgments rendered by the Court on 17 March 2016 in two cases brought by Nicaragua against Colombia, namely, the case concerning the *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua v. Colombia)* and that concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*.

The first of those two cases was introduced in September 2013 regarding a dispute concerning the delimitation of, on the one hand, the continental shelf of Nicaragua extending beyond — according to Nicaragua — the 200-nautical-mile limit from the baselines from which the breadth of the territorial sea of Nicaragua is measured, and on the other hand, the continental shelf of Colombia.

Colombia then raised preliminary objections. The first concerned the Court's jurisdiction *ratione temporis*. Indeed, in its application, Nicaragua sought to found the Court's jurisdiction in article XXXI of the American Treaty on Pacific Settlement, signed on 30 April 1948, also known as the Pact of Bogota. However, having denounced that instrument on 27 November 2012, Colombia maintained the Court had no jurisdiction since the proceedings had been instituted on 16 September 2013.

In its judgment, the Court recalled that the date at which its jurisdiction has to be established is the date on which the application is filed. Under the terms of article XXXI of the Pact of Bogota, the parties recognize as compulsory the jurisdiction of the Court "as long as the ... Treaty remains in force". The first paragraph of article LVI of the Treaty provides that, following denunciation of the Pact by a State party, the Treaty shall remain in force between the denouncing State party and other parties for a period of one year following the notification of denunciation.

The Court noted Nicaragua's application had been filed after Colombia had given notice of denunciation but before the expiration of the one-year period referred to in the first paragraph of article LVI. The only question raised by Colombia's first preliminary objection was whether an *a contrario* interpretation could be applied to the second paragraph of article LVI, which states that

> "The denunciation shall have no effect with respect to ongoing procedures initiated prior to the transmission of the particular notification."

An affirmative response to that question would have allowed the Court to declare that it lacked jurisdiction in respect of the proceedings, even if the proceedings had been instituted while the Treaty was still in force between the parties. After examining the provisions of the Treaty, the Court answered the above question in the negative. It therefore rejected Colombia's first preliminary objection.

The Court also considered two further objections to jurisdiction, both of which were rejected. It found that, contrary to Colombia's assertions, it had not taken a decision on whether or not Nicaragua had an entitlement to a continental shelf beyond 200 nautical miles from its coast in its 2012 judgment between the same parties, and that, consequently, it was not precluded, by the *res judicata* principle, from ruling on the application submitted by Nicaragua in September 2013. The Court also took the view that, Nicaragua was not requesting the Court to revise the 2012 judgment, nor was it framing its application as an appeal against that judgment, as Colombia had argued.

The Court further ruled concerning the request on the admissibility of Nicaragua's requests. Colombia first asserted that Nicaragua's request regarding the delineation of the maritime boundary between Nicaragua and Colombia in the areas of the continental shelf which appertain to each of them, beyond the boundaries determined by the Court in its 2012 judgment, was inadmissible owing to the fact that Nicaragua had not secured the requisite recommendation on the establishment of the outer limits of its continental shelf from the Commission on the Limits of the Continental Shelf.

The Court considered that, since delimitation of the continental shelf beyond 200 nautical miles can be undertaken independently from a recommendation from the Commission on the Limits of the Continental Shelf, that recommendation is not a prerequisite for a State party to the United Nations Convention on the Law of the Sea asking the Court to settle a dispute with another State over such a delimitation. It therefore rejected the objection.

Colombia then argued that Nicaragua's request — whereby it asked the Court to establish the principles and rules of international law determining the rights and duties of the two States in the continental shelf area where their claims overlap, pending the delimitation of the maritime boundary of the parties beyond 200 nautical miles from the Nicaraguan coast — concerned a non-existent dispute and was inadmissible. The Court observed that the request did not involve an actual dispute between the parties, nor did it specify what exactly the Court was being asked to decide. It therefore upheld Colombia's objection.

The proceedings on the merits have therefore been resumed, and the Court, by an order of 28 April 2016, fixed the dates for the filing of a memorial by Nicaragua and a counter-memorial by Colombia on the questions raised by the first request put forward by Nicaragua in its application.

As I have said, the Court delivered a second judgment on 17 March 2016 — the same day — in the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*. In that case, Nicaragua's application was filed on 26 November 2013 relating to

> "a dispute concern[ing] the violations of Nicaragua's sovereign rights and maritime zones declared by the Court's judgment of 19 November 2012 [in the case concerning the *Territorial and Maritime Dispute (Nicaragua v. Colombia)*] and the threat of the use of force by Colombia in order to implement these violations".

Colombia raised preliminary objections, the first which is that raised in the case I just described, related to the Court's jurisdiction *ratione temporis*. The objection was rejected for the same reason that I set out earlier.

In its second objection, Colombia argued that the Court did not have jurisdiction, because there was no dispute between the parties on the date that the application was filed. The Court recalled in that connection that Nicaragua was formulating two distinct claims, one, that Colombia had violated Nicaragua's sovereign rights and its maritime zones, and the other, that Colombia had breached its obligation not to use or threaten to use force.

After examining the evidence submitted to it, the Court found that at the time of the filing of the application, there did indeed exist a dispute concerning the alleged violations by Colombia of Nicaragua's rights in the maritime zones, which, according to Nicaragua,

the Court declared in its 2012 judgment to appertain to Nicaragua. The Court thus rejected the objection raised by Colombia regarding the absence of a dispute in respect of that claim. By contrast, the Court considered that on the date of the filing of the application there was no dispute concerning Nicaragua's second claim, and it therefore upheld the objection raised by Colombia in that regard.

In its third objection, Colombia contended that the Court lacked competence under the Pact of Bogota, because at the time of the filing of the application, the parties were not of the opinion that the purported dispute could not be settled by direct negotiations through the usual diplomatic channels. However, having examined the evidence, the Court concluded that at the date of Nicaragua's filing of the application, neither party could plausibly maintain that the dispute between them could be settled by direct negotiations. Colombia's third preliminary objection was thus rejected, as was its fifth, according to which the Court had no jurisdiction with regard to compliance with a prior judgment. The Court observed that the objection rested in the premise that the Court was being asked to enforce its 2012 judgment. However, it noted Nicaragua does not seek to enforce the 2012 judgment as such.

Finally, the Court did not have to rule upon the fourth objection, which concerned another basis for competence invoked by Nicaragua as an alternative ground, the examination of which was unnecessary. So the proceedings on the merits have been resumed in respect of the first claim put forward by Nicaragua in its applications, and the Court, by an order of 17 March 2016, fixed the time limit for the filing of a counter-memorial by Colombia.

(*spoke in English*)

I shall now briefly present the three judgments rendered by the Court on 5 October in the cases of *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. India, Marshall Islands v. Pakistan* and *Marshall Islands v. United Kingdom)*. I will do so in the other official language of the Court.

I would recall that on 24 April 2014, the Marshall Islands filed in the Registry of the Court applications instituting proceedings against India, Pakistan and the United Kingdom, alleging the failure of those States to fulfil their obligations concerning negotiations relating to the cessation of the nuclear arms race and to nuclear disarmament. The respondents subsequently raised preliminary objections to the jurisdiction of the Court and to the admissibility of the applications, arguing, in particular, that the Court lacked jurisdiction on the grounds that there was no dispute between the parties at the time that the applications were filed. In its judgments the Court began by examining that objection.

The Court observed that the existence of a dispute between the parties was a condition of its jurisdiction. In order for a dispute to exist, it must be shown that the claim of one party is positively opposed by the other; the two sides must hold clearly opposite views concerning the question of the performance or non-performance of certain international obligations. In order to demonstrate that, the evidence must show that the respondent was aware, or could not have been unaware, that its views were positively opposed by the applicant. Those conditions must in principle be met on the date of the filing of the application; although the parties' conduct during the proceedings may be relevant for various purposes — notably in clarifying the subject matter of the dispute — it is not sufficient to establish the existence of a dispute between them.

In its judgments, the Court considered whether, as the Marshall Islands claimed, statements made by the respondents in multilateral forums before the date of the filing of the applications could lead to the conclusion that there was a dispute between the applicant and each respondent. The Court concluded in the three cases that, on the basis of those statements — whether taken individually or together — it could not be said that the respondents were aware, or could not have been unaware; that the Marshall Islands was making an allegation that they were in breach of their obligations. Those statements were thus insufficient to bring into existence a legal dispute between the parties. It also found that, in that context, the conduct of the respondents did not allow for the conclusion that a dispute existed.

Lastly, I would mention one final aspect of those decisions that is of particular interest. In its judgments, the Court stated that considerable care was required before inferring, from votes cast on resolutions before political organs, such as the General Assembly, conclusions as to the existence or not of a legal dispute on some issue covered by those resolutions. The wording of a resolution and the votes or patterns of voting on resolutions on the same subject matter

may constitute relevant evidence of the existence of a dispute in some circumstances, particularly where statements were made by way of explanation of vote. However, some resolutions contain a large number of different propositions; a State's vote on such resolutions cannot by itself be taken as indicative of the position of that State on each and every proposition within that resolution, let alone of the existence of a legal dispute between that State and another State regarding one of those propositions.

The Court concluded in all three judgments that the objection to jurisdiction raised by the respondents and based on the absence of a dispute between the parties had to be upheld. It therefore found no need to consider the other objections raised by the respondents. Since the Court lacked jurisdiction, it could not proceed to the merits of the cases.

I have, then, described the substance of the judgments rendered by the Court during the past year. Before outlining the new cases brought before it in the course of the same period, I shall briefly discuss the order dated 31 May 2016, whereby the Court decided to arrange for an expert opinion in the case concerning maritime delimitation in the Caribbean Sea and the Pacific Ocean, *Costa Rica v. Nicaragua*.

In that case, the Court was of the view that there were certain factual matters relating to the state of the coast between the point suggested by Costa Rica and the point suggested by Nicaragua in their pleadings as the starting point of their maritime boundary in the Caribbean Sea that could be relevant for the purpose of settling the dispute submitted to the Court. The Court considered that with regard to such matters it would benefit from an expert opinion. Two geomorphology experts have therefore been appointed to conduct two site visits and draw up a report that will be communicated to the Court and the parties before hearings are held in the case. I should point out that this is only the second time that the Court has decided to apply Article 50 of its Statute, according to which it "may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion."

While in the past the Court has often considered expert reports or even heard from such experts, in most cases the experts have been presented by the parties themselves, either as members of their delegations or as independent experts. This time, however, the Court's decision to arrange for an expert opinion at its own request has obliged it to ask the General Assembly for an additional budget in order to cover the extra costs. I am sure that it can count on the Assembly's understanding and support in that regard. The Court has deemed the expert opinion in question to be essential to its sound administration of justice, in this instance its sovereign exercise of its responsibilities under the Statute. Although the additional $12,000 is relatively modest, it cannot be absorbed by the Court's current budget, which is 10 per cent lower than the appropriations for the biennium 2014-2015.

I come now to the new cases brought before the Court.

On 6 June, the Republic of Chile instituted proceedings against the Plurinational State of Bolivia with regard to a dispute over the status and use of the waters of the Silala. Chile alleges that the Silala is an international watercourse that flows between the two States but that status has been disputed by Bolivia since 1999, claiming the Silala's waters as exclusively Bolivian. According to the application, the dispute between the two States therefore concerns the nature of the Silala as a watercourse and the resulting rights and obligations of the parties under international law. By an order dated 1 July, the Court fixed 3 July 2017 and 3 July 2018 as the respective time limits for the filing of a memorial by Chile and a counter-memorial by Bolivia.

On 13 June 2016, the Republic of Equatorial Guinea instituted proceedings against France with regard to immunities and criminal proceedings. Equatorial Guinea contends, among other things, that by initiating criminal proceedings against its Second Vice-President in charge of Defence and State Security and by ordering the legal attachment of a building said to house Equatorial Guinea's embassy, France has disregarded immunities accorded under international law and has violated Equatorial Guinea's sovereignty. By an order dated 1 July, the Court fixed 3 January 2017 and 3 July 2017 as the respective time limits for the filing of a memorial by the Republic of Equatorial Guinea and a counter-memorial by the French Republic. On 29 September, Equatorial Guinea filed a request for the indication of provisional measures in the case, contending that the pursuit of criminal proceedings in France against the Vice-President and the property of Equatorial Guinea and France's refusal to respect the building located at 42 avenue Foch in Paris as premises of Equatorial Guinea's diplomatic mission in France

created a real and imminent risk of irreparable prejudice to the rights of Equatorial Guinea. As I mentioned earlier, hearings on the request were held from 17 to 19 October.

Lastly, on 14 June, the Islamic Republic of Iran instituted proceedings against the United States of America with regard to a dispute concerning certain Iranian assets, alleging in particular that the United States has adopted a number of legislative and executive acts that have the practical effect of subjecting the assets and interests of Iran and Iranian entities, including those of the Central Bank of Iran, to enforcement proceedings, in breach of jurisdictional immunities recognized by customary international law and by the provisions of the 1955 Treaty of Amity, Economic Relations, and Consular Rights between Iran and the United States of America, which is binding between the parties. After consulting with the parties, the Court fixed 1 February 2017 and 1 September 2017 as the respective time limits for the filing of a memorial by the Islamic Republic of Iran and a counter-memorial by the United States of America.

That brings to three the number of new cases submitted to the Court during the period under review and to 11 the total number of cases currently on the Court's docket. The diversity and complexity of the cases that the Court has dealt with this year is emblematic of its activities in recent years. As my report shows, the new cases filed earlier this year add to that diversity.

*Mr. Braun (Germany), Vice-President, took the Chair.*

This year, the Court reached another milestone when it celebrated its seventieth anniversary in April. We held a formal sitting in The Hague for the occasion and were honoured that it was attended by the Secretary-General. On Monday I had the privilege of opening an exhibition entitled "70 Years in the Service of Peace and Justice", organized at United Nations Headquarters for the anniversary and open to visitors to this building.

While we should celebrate the work that the Court has accomplished over the past 70 years, we have not lost sight of the importance of continually reflecting on the need to adapt the Court's working methods in order to respond to the increase in its workload and the complexity of the cases submitted to it. I would like to assure the Assembly that the Court will continue to use all the resources at its disposal to fulfil its role as the principal judicial organ of the United Nations.

(*spoke in French*)

I would like to thank the Assembly once again for giving me the opportunity to address it today, and I wish the Assembly every success in its seventy-first session.

**The Acting President**: I thank the President of the International Court of Justice.

**Mr. Khoshroo** (Islamic Republic of Iran): I have the honour to deliver this statement on behalf of the Non-Aligned Movement.

The Non-Aligned Movement attaches great importance to agenda item 70, "Report of the International Court of Justice", and takes note of the Court's report contained in document A/71/4 regarding the activities of the Court between 1 August 2015 and 31 July 2016, as requested by the decision of the General Assembly last year.

I would also like to thank the President of the International Court of Justice for his presentation of the report to the Assembly.

The Non-Aligned Movement reaffirms and underscores its principled position concerning the peaceful settlement of disputes and the non-use or threat of use of force. The International Court of Justice plays a significant role in promoting and encouraging the settlement of international disputes by peaceful means, as called for in the Charter of the United Nations, and it does so in such a manner that international peace and security and justice are not endangered.

The Non-Aligned Movement endeavours to generate further progress to achieve full respect for international law and, in that connection, commends the role of the International Court of Justice in promoting the peaceful settlement of international disputes in accordance with the relevant provisions of the Charter of the United Nations — particularly Articles 33 and 94 — and the Statute of the Court.

With regard to advisory opinions of the Court, given that the Security Council has not sought any advisory opinion from the Court since 1970, NAM urges the Security Council to make greater use of the International Court of Justice, the principal judicial organ of the United Nations, as a source of advisory opinions on and interpretations of the relevant norms of international law and controversial issues. It further requests the Council to use the Court as a source for

interpreting relevant international law and also urges the Council to consider having its decisions be reviewed by the Court, bearing in mind the need to ensure their adherence to the Charter of the United Nations and international law.

The Non-Aligned Movement also invites the General Assembly, other organs of the United Nations and the specialized agencies to request advisory opinions of the International Court of Justice on legal questions arising within the scope of their activities.

The Non-Aligned Movement reaffirms the importance of the unanimous opinion issued by the International Court of Justice on 8 July 1996 on the *Legality of the threat or use of nuclear weapons*. In that case, the Court concluded that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

The Non-Aligned Movement continues to call on Israel, the occupying Power, to fully respect the International Court of Justice's advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, dated 9 July 2004. It calls upon all States to respect and ensure the respect of the provisions therein for the realization of the end of the Israeli occupation, which began in 1967, and for the independence of the State of Palestine with East Jerusalem as its capital.

**Mr. Joyini** (South Africa): My delegation has the honour to speak on behalf of the Group of African States.

The African Group associates itself with the statement just delivered by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

At the outset, the African Group would like to thank the President of the International Court of Justice, Judge Ronny Abraham, for his presentation and also for the report on the Court's activities contained in document A/71/4. The African Group continues to consider the International Court of Justice to be the pre-eminent mechanism for the peaceful settlement of disputes at the international level.

It should be kept in mind that the Court, as a court of justice and the principal judicial organ of the United Nations, occupies a special position. Everything that the Court does is aimed at promoting the rule of law. The World Court hands down judgments and provides advisory opinions in accordance with its Statute, which is an integral part of the Charter of the United Nations, and thus contributes to promoting and clarifying international law.

The African Group welcomes the reaffirmed confidence that States have shown in the Court's ability to resolve their disputes. In particular, we are pleased to see that States continue to refer disputes to the International Court of Justice. We commend States for no longer limiting their referral of cases to matters of little political significance, as we now see the Court deciding disputes involving weighty political issues. The number of cases currently pending on the International Court of Justice's docket is a reflection of the esteem in which States hold the Court.

Notwithstanding the proliferation of international judicial dispute-settlement mechanisms on both a specialized and a regional basis, the International Court of Justice continues to attract a wide range of cases, covering many areas. While the Court's determination of whether there exists an obligation to cooperate in a particular case is based principally on treaty obligations, the Court also clearly draws upon general principles, particularly in making the link between procedural and substantive obligations.

The Court draws significantly on the principle of prevention, enunciated in its earlier decisions — notably the *Corfu Channel* case and in the advisory opinion on the threat or use of nuclear weapons. Therefore the African Group reaffirms the importance of the Court's unanimous advisory opinion issued on 8 July 1996 on the *Legality of the threat or use of nuclear weapons*. In that decision, the Court concluded that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. The Group of African States attaches great importance to that matter because Africa is a nuclear-weapon-free zone. In that regard, it is interesting to note that the current list of cases before the Court includes cases on the obligation to enter into negotiations relating to the cessation of the nuclear arms race and to nuclear disarmament.

For example, by an order dated 19 June 2015, the International Court of Justice fixed a time limit for the filing by the Republic of the Marshall Islands of a recent statement of its observations and submissions

on the preliminary objections raised by the United Kingdom of Great Britain and Northern Ireland in the case. The Marshall Islands invoked breaches of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) by the United Kingdom. Article VI of the NPT provides that each of the parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effect international control. The Marshall Islands contended that the United Kingdom has breached and continues to breach its legal duty to fulfilling, in good faith, its obligations under the NPT and customary international law.

According to the Marshall Islands, the conduct of the respondent and its assertions of the legality of its behaviour, juxtaposed with the statements of the Marshall Islands containing a complaint aimed precisely at that conduct and the legal position of the United Kingdom, demonstrate the existence of a dispute as to the scope of and compliance with its obligations under article VI of the NPT and the corresponding customary international law obligations.

The Court recalls that the question whether there is a dispute in a particular contentious issue turns on the evidence of the opposition of views. In that regard, the conduct of a respondent can contribute to a finding by the Court that the views of the parties are in opposition. However, as the Court has previously concluded, in the present case, none of the statements that were made in a multilateral context by the Marshall Islands offered any particulars regarding the United Kingdom's conduct. On the basis of such statements, it cannot be said the United Kingdom was aware, or could not have been unaware, that the Marshall Islands was making an allegation that the United Kingdom was in breach of its obligations. In that context, the conduct of the United Kingdom does not provide a basis for finding a dispute between the two States before the Court.

The Court therefore concludes that the first preliminary objection made by the United Kingdom must be upheld. It follows that the Court does not have jurisdiction under Article 36, paragraph 2, of its Statute. Consequently, it is not necessary for the Court to deal with the other objections raised by the United Kingdom. For those reasons, the Court, by eight votes to eight, with the President casting a vote, upholds the first preliminary objection to jurisdiction raised by the United Kingdom of Great Britain and Northern Ireland, based on the absence of a dispute between the parties. By nine votes to seven, the Court finds that it cannot proceed to the merits of the case.

The importance of advisory opinions on legal questions referred to the International Court of Justice cannot be overstated in the pursuit of the peaceful settlement of disputes in accordance with the Charter of the United Nations. It is therefore rather disappointing that during the period under review, no requests for advisory opinions were made.

**Mr. Misztal** (Poland): On behalf of the Visegrád Group, consisting of the Czech Republic, Hungary, Slovakia and my own country, Poland, I would like to thank the President of the International Court of Justice, Judge Ronny Abraham, for presenting the Court's report for the 1 August 2015 to 31 July 2016 period (A/71/4). I have the honour to present our Group's common position with respect to the International Court of Justice's report.

The Visegrád Group supports the International Court of Justice as the principal judicial organ of the United Nations. We commend the Court for its role in the peaceful settlement of international disputes and for its contribution, by those means, to the maintenance of international peace and security. The Court has a unique role in the interpretation and application of public international law. The Visegrád Group acknowledges with appreciation that, by identifying the norms of customary international law, the Court significantly contributes to the increased effectiveness of international law.

The Court is universal in its character, as all Member States can be parties to cases before it. Furthermore, the universality of the Court lies in its jurisdiction, which covers the whole field of international law. The Court decides on cases concerning, among other things, territorial and maritime disputes, environmental damage and the conservation of living resources, the prosecution or extradition of former Heads of State, sovereign immunity and the use of force. In that context, we commend the broadening of the fields of public international law that are touched upon by the Court in its decisions.

The cases brought before the Court — although the decisions are binding only on the parties to the dispute — are of great importance for the international community as a whole. Every new judgment of the

Court marks another step towards the strengthening of the international legal order and the promotion of the rule of law and friendly relations among States. We also highly value the Court's contribution to the strengthening of the rule of law in international relations through its advisory opinions.

The mission of the Court cannot be entirely fulfilled without the full commitment of all Member States to comply with their obligations concerning the peaceful settlement of disputes. Respect for and compliance with the Court's decisions, both judgments and orders, are the fundamental prerequisite for the effectiveness of the system of international justice. The obligation of the parties to a dispute to implement in good faith the Court's decisions is crucial to the concept of the peaceful settlement of international disputes.

With regard to the issue of jurisdiction of the Court, it is worth recalling that it can be conferred on the Court not only by way of a unilateral declaration by States but also through special agreements and treaties. Since the exercise of the Court's jurisdiction is based on the consent of States, it is important that States use those ways to accept the Court's jurisdiction. A case in point is the International Agreement on Olive Oil and Table Olives, adopted in Geneva on 9 October 2015, article 26 of which provides for the right of recourse to the Court by a member of the International Olive Council's decision-making body.

As this is the first time that the Visegrád Group has spoken with one voice during the consideration of the International Court of Justice's report in the General Assembly, I would like to ensure the Assembly of our Group's support for the Court and to express our best wishes to the Court in the accomplishment of its lofty mission in rendering justice and strengthening the role of international law in the world.

**Mr. Dolphin** (New Zealand): I have the honour to speak today on behalf of the group of countries consisting of Australia, Canada and my own country, New Zealand.

Our group would like to thank the President of the International Court of Justice, Mr. Ronny Abraham, for his report on the work of the Court over the past year. As countries that firmly believe in the rule of law and the importance of a rules-based international system, our group continues to be a long-standing supporter of the International Court of Justice.

The group recognizes the crucial role that the Court plays as the principal judicial organ of the United Nations. Our confidence in the Court is reflected in our acceptance of the Court's compulsory jurisdiction. We firmly believe that wider acceptance of the compulsory jurisdiction of the Court would enable it to fulfil its role more effectively and to further encourage the peaceful settlement of disputes. We therefore encourage Member States that have not yet done so to accept the Court's compulsory jurisdiction.

The use of the Court as an organ for the peaceful settlement of disputes should not be understated. However, our group considers that the role of the Court as a tool in conflict prevention also needs to be further recognized and explored. For example, there may be situations where there is a legal element at the heart of escalating tensions between States. Guidance from the Court might play a part in preventing those tensions from evolving into conflict.

We are aware that the Court's caseload continues to be demanding. While the Court has dealt with a number of complex cases in the past year, it maintains one of its largest workloads for the year ahead. The willingness of States to turn to the Court must be welcomed, as it further highlights the important role that the Court plays in the promotion of the rule of law and the peaceful settlement of disputes.

The year 2016 also marks the seventieth anniversary of the Court's inaugural sitting. We congratulate the Court on its significant anniversary. The Canada-Australia-New Zealand group of countries considers that the Court remains as relevant today as it has ever been. As the number of international rules governing Member States' interactions with one another increases, it is even more important for Member States to have recourse to the Court as an effective protection to uphold the rule of law. Its role in providing transparent and impartial clarification on questions of international law for all Member States continues to be essential.

We look forward to continuing to support the Court in its contribution to the peaceful settlement of disputes.

**Mr. Hamsa** (Malaysia): At the outset, I would like to express my delegation's appreciation to Mr. Ronny Abraham, President of the International Court of Justice, for his presentation of the Court's comprehensive report on its judicial activities over the past year (A/71/4). We join others in expressing our

heartfelt congratulations to the Court in conjunction with the seventieth anniversary of its inaugural sitting.

As the principle judicial organ of the United Nations in adjudicating the peaceful resolution of disputes between States and in providing advisory opinions on questions of international law, the Court plays an important role in the maintenance of international peace and security through its upholding of the rule of law. Since the Court's creation, we have witnessed a steady increase in the number of cases referred to it, which show a varied geographical distribution and cover a wide range of subjects. Those developments are further testament to the faith and confidence that the international community has in the Court's ability to fairly and impartially discharge its adjudicative functions.

My delegation wishes to reiterate that, as a peace-loving nation, Malaysia's foreign policy is premised on the principle of the peaceful settlement of disputes and the concept of moderation. Such an approach advocates mediation, arbitration, dialogue and negotiation. When dialogue or a negotiated settlement fails, the International Court of Justice provides the avenue for Member States to peacefully resolve their differences. It was due to that shared commitment to the peaceful resolution of disputes and our full confidence in the International Court of Justice that Malaysia and its immediate neighbours agreed to submit themselves to the jurisdiction of the Court in two cases regarding disputes over sovereignty over certain maritime features. Our confidence in the impartiality of the adjudication process is reflected by our fullest acceptance of, adherence to and respect for the decisions of the Court.

Malaysia firmly believes that the existence or possession of nuclear weapons is contrary to international law. For that reason, we supported resolution 49/75 K of 15 December 1994, in which the Assembly requested the Court to render an advisory opinion on the legality of the threat or use of nuclear weapons under international law. On 8 July 1996, the Court recognized for the first time in history that the threat or use of nuclear weapons is generally contrary to the principles and rules of international law. The Court further unanimously declared in its opinion,

> "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."

On the occasion of the twentieth anniversary of that advisory opinion in 2016, let us all once again declare our collective resolve to achieve a nuclear-weapon-free world for the sake of our generation and succeeding generations. For my delegation's part, we hope for greater support from the General Assembly in due course for the Malaysia-sponsored draft resolution entitled, "Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons" (A/C.1/71/L.42), which we have had the honour to present annually in the First Committee since that milestone of a legal opinion was rendered by the Court in 1996.

In a related matter, my delegation is closely following the International Court of Justice cases *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament*, which were filed by the Marshall Islands.

The question of Palestine remains a principal issue on the United Nations agenda. I wish to recall the advisory opinion of the International Court of Justice of 9 July 2004 on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, which found Israel's continued occupation of the occupied Palestinian territory and its construction of the apartheid wall illegal under international law. My delegation appeared before the Court to present our arguments during the hearing on that case. However, 12 years after that advisory opinion, we deeply regret the continued refusal of Israel to accept the Court's conclusion. We urge Israel to fulfil its obligation under international law and to make reparation for all damage caused by the construction of the wall in the occupied Palestinian territory, including in and around East Jerusalem.

The Court is indispensable in a multilateral world that is firmly established in a rules-based framework, as enshrined in the Charter of the United Nations. Malaysia reiterates its full support for the Court's work, and we take this opportunity to commend the judges and all members of the Court for their unwavering commitment and sense of duty in upholding the law, with a view to maintaining international peace and security.

**Mr. Tiriticco** (Italy): I would like to thank the President of the International Court of Justice, Judge

Ronny Abraham, for his address today to the Assembly, which appropriately and effectively emphasized a number of important points.

In the light of the principles enshrined in its Constitution, and in view of the constitutive treaties of the European Union, Italy considers that the option of judicial scrutiny of State activities is an indispensable element of any system that is based on the rule of law. At the international level, the peaceful settlement of disputes is an obligation for States. Clearly set out in the Charter of the United Nations, it is a core value of the international community, which decided to ban the use of force. In that connection, providing judicial settlement through the Court, the principal judicial organ of the United Nations, is key.

Resorting to a judicial mechanism is a solid and serious option for States that believe in an international community based on the rule of law. For that reason, following a pledge made in 2012 at the high-level summit on the rule of law, Italy accepted the compulsory jurisdiction of the Court under Article 36 of the Statute, and we encourage others to do the same. I am therefore pleased to address the General Assembly for the first time since our declaration entered into force. Italy confirms the fundamental contribution that judicial review brings to the stability of the international community, where the rule of law provides the guiding blueprint in terms of both rights and obligations for State membership. As the framework of the international community expands to include new actors and a progressively tightened network of relations, and as international law adjusts to new scenarios, we cannot fail to recognize the increasing call for the primacy of a number of principles that should constitute the pillars of peace in this new mutating world order.

In that respect, we express our belief that the inalienable right to human dignity is one such fundamental principle that is emerging in international law. It draws its force not only by virtue of universality, but also from the recognition given by States, whether constitutionally enshrined or through consolidating domestic jurisprudence. From that perspective, we wish to convey our vision that the international law system should ensure its own effectiveness through a fair and balanced approach among the different principles governing the international community today.

**Mr. Bessho** (Japan): I would like to begin by thanking Judge Ronny Abraham, President of the International Court of Justice, for his dedication and leadership, as well as for the in-depth and comprehensive report of the work of the Court (A/71/4). I also express my deep appreciation of and support for the achievements of the Court during the reporting period.

This year marks the seventieth anniversary of the Court's inaugural sitting. Japan commends the Court for the important role it has played over the past 70 years in the peaceful settlement of international disputes and the promotion of the rule of law. As the principal judicial organ of the United Nations, the Court has delivered many important judgments and advisory opinions since its creation and has taken on a diverse range of cases that required complex legal examination. The Court is faced with an increasing demand for legal solutions and opinions on complex legal and factual questions. We believe that, thanks to its devoted work and profound legal wisdom, the Court will continue to gain the respect and support of Member States.

The achievements of the Court over the past seven decades clearly demonstrate that its work has strengthened the rule of law. The rule of law and the peaceful settlement of international disputes are a fundamental principle of Japan's foreign policy, based on our conviction that they provide the essential foundation of any society.

Japan shares the view expressed by President Abraham at the seminar held in April in The Hague to celebrate the anniversary of the Court's seventieth session, when he stated that the political and legal environment in which the Court operated had changed considerably over the years since 1945. Japan admires the Court's readiness to face the new challenges that may arise in the coming decade, which was also expressed in his speech.

At the same time, the international community today benefits not only from the Court's wisdom, but also from the remarkable development of various peaceful means of dispute settlements through other organs, such as the International Tribunal for the Law of the Sea and the Permanent Court of Arbitration. The current trend whereby States have judicial options based on the specific legal issues involved is a welcome development towards an appropriate division of labour. We hope that the judgments of those organs collectively will further develop and clarify international law.

Let me conclude by reaffirming our support for the work of the International Court of Justice. We have

confidence in its professionalism and its dedication to strengthening international law and the rule of law going forward.

**Ms. Orosan** (Romania): On behalf of my delegation, let me first express our thanks to the President of the International Court of Justice for his presentation of the annual report (A/71/4), which gives us a clear picture of the latest developments with regard to the cases on the Court's docket.

The year 2016 has been an anniversary year for the Court, as the celebration of 70 years from its inaugural sitting took place earlier this year. We applaud this historic moment for the Court and congratulate the President, as well as the other members of the Court, on the various activities that were organized on that occasion. We firmly believe that the rationale of the Court — to promote the rule of law where diplomatic or political actions have failed to work — is as valid now as it was at the time of its establishment. The strongest argument is the current activity of the Court. The broad geographical distribution of cases, the wide variety of subject matter dealt with and the increasing number of States that have decided to place their confidence in the Court bear testimony to the fact that the Court has a role to play in today's world.

Promoting and reinforcing the rule of law, especially at a time when new challenges to the rule of law at the international level are witnessed, is of great importance. From this perspective, we regret that the Court's budget has been reduced by comparison with previous years. We hope that the financial situation of the Court will improve in the next period and that the efficiency measures already undertaken by the Court will have a positive impact.

Romania is committed to the settlement of all disputes by peaceful means and is a strong supporter of the Court as guarantor of the supremacy of law. The acceptance by Romania in 2015 of the compulsory jurisdiction of the Court confirms the full trust that Romania places in the Court and its efforts to consolidate the rule of law at the international level, as well as the resolve of my country to solve any dispute exclusively by peaceful means and in accordance with international law.

I wish to conclude by reiterating our conviction that in its future activity the Court will continue to uphold its standards of high professionalism and impartiality, and by expressing our hope that new States will accept the compulsory jurisdiction of the Court.

**Mr. Troncoso** (Chile) (*spoke in Spanish*): At the outset, my delegation would like to state that we have followed with special attention and interest the work of the International Court of Justice in the period covered in its report (A/71/4), presented by its President, Mr. Ronny Abraham.

The report indicates that during that period the Court carried out intense work. As noted in the report, the issues brought before the Court are varied in nature and include such topics as the immunities of States and State authorities, the law of the sea, the determination and delimitation of maritime zones, international waterways, current international legal disputes, the exercise of powers and rights in maritime areas, measures taken on property belonging to foreign States, sources of international obligations and their validity over time, reparations, and the interpretation and application of international treaties, among others.

According to the provisions of its Statute, the Court exercises jurisdiction in respect to the cases submitted to it, in terms expressly recognized by the States and in the framework of the principle of jurisdiction of a voluntary nature. In exercising that jurisdiction, the Court must apply international law as stipulated in Article 38 of the Statute, which accords to treaties, among the sources of international law, the same status as the expression of the will of States, constituting a basic pillar in the structure of international relations.

As we have remarked on many occasions, among the central principles that guide the foreign policy of Chile is the principle of the peaceful settlement of international disputes. Along with that, another central principle of Chile's external actions is the essential role of respect for international treaties, which are an expression of the consent governed by international law. Their strict observance and stability over time constitute prerequisites for the existence of peaceful relations between nations.

My country is currently a party in two cases which have been brought before the International Court of Justice and which require particular attention. We are participating in these cases reaffirm our commitment to international law and peaceful relations between States. Chile has is fully confident in the application of international law in relations with other States. This commitment requires everyone to respect the

fundamental principles of coexistence and to refrain from engaging in conduct that impedes the normal development of these relations and undermines them to everyone's detriment. This conduct is particularly relevant in situations in which a specific case under consideration by the International Court of Justice.

Moreover, it should be recalled that, once a matter is referred to the Court, the Court is the only body competent to consider it. Therefore, it is unacceptable that a matter which is already under consideration by the Court should simultaneously be taken up in other bodies or forums of a political nature.

Consistent with the role and competence of the Court and the diverse range of its mission, my delegation takes this opportunity to express its full support for the Court's requirements in terms of providing the necessary budgetary resources so that it can efficiently discharge the lofty responsibilities that have been vested in it. That is especially necessary at times when its jurisdictional activities are intense and it needs specialized staff and investment in technology. We also support the Court's approach, as outlined in its President's report to the Assembly, with regard to the dialogue that should exist between the Court and the Assembly. That dialogue is indispensable for the Assembly to be able to adopt the most appropriate decisions on the budget of the principal judicial organ of the United Nations.

**Mr. Sharma** (India): At the outset, I would like to thank Judge Ronny Abraham, President of the International Court of Justice, for his comprehensive report on the judicial activities of the Court for the period from August 2015 to July 2016. I also thank him and Vice-President Judge Abdulqawi Ahmed Yusuf for guiding the work of the Court.

The Court, the principal judicial organ of the United Nations, celebrated its seventieth anniversary on 20 April at The Hague. As we all know and as most of us witnessed, on Monday, 24 October, the Secretary-General and the President of the Court inaugurated the United Nations exhibition organized by the International Court of Justice, entitled "70 years in Service of Peace and Justice."

The Court is entrusted with the task of the peaceful resolution of disputes between States, which is fundamental for the fulfilment of one of the purposes of the United Nations, namely, the maintenance of international peace and security. Since its first session in April 1946, the Court has been seized of more than 160 cases. It has delivered over 120 judgements and 27 advisory opinions. We acknowledge that the Court has fulfilled most admirably the task of settling disputes between States peacefully, and it has acquired the well-deserved reputation of being an institution that maintains the highest legal standards, in accordance with its mandate under the Charter of the United Nations and in accordance with its own Statute, which is an integral part of the Charter.

One of the primary goals of the United Nations, as stated in the Preamble to the Charter, is to establish conditions under which justice and respect for international obligations can be maintained. The International Court of Justice, as the only court with general international law jurisdiction, is uniquely placed to help achieve that goal.

The report of the Court illustrates the importance that States attach to the Court and the confidence that they place in it. The importance of the Court is evident from the number, nature and variety of cases it deals with and, in so doing, its ability to deal with the complex aspects of public international law. Furthermore, the universality of the Court is evident from the fact that States from all continents have submitted cases to it for adjudication.

The judgments delivered by the Court have played an important role in the interpretation and clarification of the rules of international law, as well as in the progressive development and codification of international law. In the performance of its judicial functions, the Court has remained highly sensitive to the political realities and sentiments of States, while acting in accordance with the provisions of the Charter, its own Statute and other applicable rules of international law.

During the judicial year 2015-2016, the Court delivered a judgment in two cases between Nicaragua and Costa Rica, on 16 December 2015. That was a rare instance of the Court's joining two disputes submitted by neighbouring States against each other. They are cases involving complex factual and legal issues concerning navigational rights, territorial sovereignty and environmental impact assessment, among others. The number of contentious cases on the Court's docket stands at 14, three of which were disposed of by the Court on 5 October. During the past judicial year, the Court handed down 11 orders and held public hearings

in five cases, including a case brought against my own country, India.

The cases before the Court involve a variety of subject matters, such as territorial and maritime disputes, unlawful use of force, interference in the domestic affairs of States, violation of territorial integrity, international humanitarian law and human rights, genocide, environmental damage and conservation of living resources, immunities of States and their representatives, and interpretation and application of international conventions and treaties. Moreover, the cases entrusted to the Court are growing in factual and legal complexity.

The Court's second function is to provide advisory opinions on legal questions referred to it by the organs of the United Nations and specialized agencies. Although no request for an advisory opinion was made during the past judicial year, that function of the Court adds to its important role of clarifying key international legal issues. The report of the Court rightly points out that "everything the Court does is aimed at promoting and reinforcing the rule of law" (*A/71/4, para. 21*), in particular through its judgments and advisory opinions.

Before concluding my statement, I would like to make a few preliminary remarks on the three cases disposed of by the Court on 5 October. These were public-interest litigation cases. We appreciate the Court's finding that no legal dispute existed between the parties at the time of submission of the application by the litigant State. However, despite some apprehensions over the possibility of relitigation, India feels that the cases were dismissed on substance and not merely on procedural lacunae. Apart from the awareness test, the Court made an objective determination on the examination of facts of the case and demonstrated that there were no opposing views and, therefore, no dispute between the parties. Furthermore, we note that it was one of the rare occasions of a contentious case in which the President of the Court exercised his casting vote.

As to the publications and availability of information concerning the Court and its activities, we appreciate the Court's efforts to ensure the greatest possible global awareness of its decisions through its publications, multimedia offerings and website, which now features the Court's entire jurisprudence, as well as that of its predecessor, the Permanent Court of International Justice. Those sources provide useful information for States wishing to submit a potential dispute to the Court.

We are happy to note that the issue of the presence of asbestos in the Peace Palace has been, by and large, resolved. We share the concern of the President of the Court with regard to budget cuts and the fact that the communication and concerns raised by the Court remain unresolved and unanswered to date. We hope that those concerns will be addressed.

Finally, India wishes to reaffirm its strong support for the Court and to acknowledge the importance that the international community attaches to the work of the Court.

**Mr. Mohamed** (Sudan) (*spoke in Arabic*): We align ourselves with the statements delivered earlier at this meeting by the representative of South Africa on behalf of the Group of African States and by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

We have taken note of the report of the Secretary-General on the work of the International Court of Justice (A/71/339). I would like to thank the President of the Court for having presented his report on the Court's judicial activity from 1 August 2015 to 31 July 2016 (A/71/4). My delegation greatly appreciates the work undertaken by the Court, as the principal judicial organ of the United Nations, namely, its delivery of judgments and advisory opinions and the contribution it makes to the peaceful settlement of disputes. That essential work requires greater political support from Member States. In addition, the Court requires the necessary budgetary funding to ensure that its activity is not constrained.

The submission of the annual report is an opportunity for the General Assembly to confirm the Court's role and jurisdiction. The number of cases that Member States bring before the Court demonstrates the importance that they attach to the Court and its capacity to resolve disputes in an impartial and fair manner. On behalf of the Sudan, we urge the Court to continue the work being carried out to strengthen its ability to assume its increased responsibilities and workload so that it can swiftly and effectively resolve the cases before it. We call for the necessary resources to be made available to it.

My delegation also calls on States that have not yet done so to quickly ratify the Statute of the Court with a view to strengthening the rule of law at the

international level and to ensuring that the Court is able to discharge its responsibilities under the Statute with regard to the peaceful settlement of disputes. The Sudan has recognized the Court's jurisdiction. We invite the Security Council, which has not requested an advisory opinion from the Court since 1970, to make greater use of this body, which is the principal judicial organ of the United Nations and the source of the main advisory opinions with regard to the interpretation of the principles of international law related to the Organization's work. We also invite the Assembly, as a principal organ of the United Nations, to continuously request advisory opinions with regard to the interpretation of the principles of international law related to its functions.

We greatly appreciate the role played by the Court, and we express our full support to the Court so that it can carry out its responsibilities mandated under its Statute.

**Ms. Biden Owens** (United States of America): We thank President Abraham for his thorough report today. President Abraham's report reminds us that international justice is alive and well. We welcome the fact that States are increasingly resorting to the International Court of Justice and to other international judicial bodies to resolve their bilateral disputes where both parties to that dispute have accepted the body's jurisdiction. Rather than seeing what some often decry as a fragmentation of international dispute resolution mechanisms, we see a healthy array, or, as one judge of the International Court of Justice has called it, "a kaleidoscope of complementary judicial venues", so that States may choose which forum best suits their needs.

Resort to an appropriate dispute resolution mechanism is a means to pursue the peaceful resolution of disputes and an embrace of Article 33 of the Charter of the United Nations, which, as we will recall, provides that:

> "The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."

The drafters of the Charter had the wisdom to make the International Court of Justice one of the principal organs of the United Nations, putting the peaceful resolution of disputes at the heart of the United Nations.

In April, we welcomed the opportunity to celebrate the seventieth anniversary of the Court's inaugural setting at the Peace Palace. It gave us and others a unique opportunity to reflect on the important role the Court has played over the past 70 years. We echo President Abraham's message that the need for a world court working for international peace and justice is as strong today as it was when the Charter was first signed, and we applaud the Court for its readiness to take on the many new and difficult challenges brought before it.

The United States is grateful to President Abraham and his fellow judges and to all the staff of the International Court of Justice for the hard work they do to foster international justice.

**Mr. Reinisch** (Austria): The delegation of Austria wishes to express its thanks to the President of the International Court of Justice, Mr. Ronny Abraham, for the comprehensive report on the work of the Court (A/71/4). Austria also wants to take this opportunity to congratulate the Court on its seventieth anniversary, celebrated on 20 April in The Hague.

The report impressively demonstrates the growing caseload of the Court over the past two decades. The Court currently deals with a variety of disputes ranging from core issues of sovereignty — like territorial or maritime disputes, the use of force and non-intervention, and the immunity of States and their representatives — to disputes relating to genocide and to the protection of the environment, as well as to treaty application and interpretation. That development aptly shows the increasing general acceptance of the Court as the central forum for the peaceful settlement of disputes.

In that context, the Austrian delegation wants to emphasize the importance of the possibility of accepting the compulsory jurisdiction of the Court under Article 36, paragraph 2, of the Court's Statute. As of now, only 72 of the 193 States Members of the United Nations have made a declaration recognizing the Court's jurisdiction in that way. Austria did so in 1971, a commitment automatically renewed ever since. Unfortunately, however, many States still do not accept the compulsory jurisdiction of the Court. Austria calls upon those States to reassess their positions and to seriously consider accepting its jurisdiction.

Beyond solving specific disputes, the Court greatly contributes to the strengthening and clarification of international law. As the principal judicial organ of the United Nations, the International Court of Justice is nowadays at the centre of a system of international courts and tribunals and other dispute settlement bodies. In that context, the issue of fragmentation of international law and international jurisprudence has been raised, including in the International Law Commission. To avoid such fragmentation and possible discrepancies in the interpretation of international law, it is essential that international courts and tribunals take each other's decisions into account and that the judges of those courts and tribunals establish direct contacts. Therefore, we welcome the judicial dialogue which is currently being developed between those international courts and tribunals, and we support its further enhancement. To that end, it would be particularly useful if the presentation of the work of the International Criminal Court took place on the same day as this debate.

As the principal judicial organ of the United Nations, the Court upholds and promotes the rule of law. Austria is strongly committed to strengthening the rule of law and believes that a rules-based international system, with clear and predictable rules, is an essential precondition for lasting peace, security, economic development and social progress. We call upon all Member States to actively promote an international order based on the rule of law and international law, with the United Nations at its core. Building on the final report and recommendations from the Austrian Initiative, 2004-2008, regarding the United Nations Security Council and the rule of law, presented in 2008, my delegation has been continuously working to foster the rule of law in all United Nations organs and in the international community at large and is proud to serve as the coordinator of the Group of Friends of the Rule of Law.

As regards judicial activities during the reporting period, the Austrian delegation has noted that the Court dealt with a number of very important issues that also relate to the topics discussed over the past few days in the Sixth Committee in connection with the work of the International Law Commission. The Court is currently dealing with the immunities of State officials in criminal proceedings and with a number of disputes involving environmental concerns. Among the latter, the judgment of the Court, rendered on 16 December 2015 in the joined cases between Costa Rica and Nicaragua, is particularly noteworthy. In that judgment, the Court, basing itself on the judgment in *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, reaffirmed an obligation under general international law to carry out an environmental impact assessment concerning activities that risk causing significant transboundary harm.

Austria also wants to draw attention to the special importance of the non-proliferation of nuclear weapons and nuclear disarmament, which has recently been considered again by the Court. In the past, the Court made important contributions to this field with its advisory opinion on *Legality of the Threat or Use of Nuclear Weapons*. Recently, however, the applications filed by the Marshall Islands against India, Pakistan and the United Kingdom were dismissed on jurisdictional grounds, by a narrow vote. The great interest that those cases attracted within the international community, together with the deliberations currently ongoing in the Assembly's Disarmament and International Security Committee (First Committee), demonstrates the crucial importance of that topic for many States. Austria, as a non-nuclear country, takes this opportunity to restate its commitment to, and the importance of, the non-proliferation and disarmament processes and expresses its hope that those processes will yield concrete results in the near future.

**Ms. Galvão Teles** (Portugal) (*spoke in French*): At the outset, allow me to express my delegation's gratitude to the President of the International Court of Justice, Judge Ronny Abraham, for his detailed annual report on the work of the Court.

On the occasion of its seventieth anniversary, the fundamental role of the Court in the international legal order must be recalled and stressed, as it is the principal judicial organ of the United Nations and, in that capacity, performs one the most important tasks in the international community — the peaceful settlement of disputes among States and the strengthening of the international rule of law.

As the report for the judicial year 2015-2016 (A/71/4) indicates, the Court's workload is constantly increasing. For example, in July 2016 the number of cases pending before the Court stood at 14, and three new contentious cases had recently been submitted to it. During the period in question, the Court delivered

5 judgments and 11 orders and held public hearings in 5 cases.

(*spoke in English*)

We note with satisfaction the growing activity of the Court. More and more States trust the Court with the settlement of their complex and sensitive disputes. It is important to note that the cases before the Court come from all over the world and relate to diverse areas of international law, such as the law of the sea, the use of force, sovereignty, immunities and international humanitarian law, demonstrating not only the universality of the Court, but also the expansion of the scope of its work and its growing specialization. Such universality and growth dramatically strengthen the Court's contribution to the development of international law and should therefore earn for it the full support of all members of the international community.

Although, as the truly universal court in the exercise of general jurisdiction, the International Court of Justice is a leading player in the international judicial arena, it should be recalled that there are other international courts and tribunals whose existence and importance should also be underlined. In that regard, Portugal welcomes the continued contacts and cooperation among international courts and tribunals as a very positive development. It is our strong view that all of them must work together towards the enhancement of the international legal order and must complement one another in the furtherance of this goal.

As at 31 July, 193 States were parties to the Statute of the Court and 72 of them had deposited with the Secretary-General a declaration of acceptance of the Court's compulsory jurisdiction, in accordance with Article 36, paragraph 2, of the Court's Statute. Moreover, more than 300 bilateral or multilateral treaties provide for the Court to have jurisdiction in the settlement of disputes arising out of their application or interpretation. That highlights the role of the Court as the main judicial body in the interpretation and application of international law.

In that context, Portugal, as a State that has accepted the compulsory jurisdiction of the Court since its admission to the United Nations in 1955 and has been a party to proceedings before it, would like to recall the recommendation of the 2005 World Summit that States that have not yet done so, consider accepting the jurisdiction of the Court, in accordance with its Statute. It would also be desirable, in our view, that, in multilateral or bilateral agreements, more consideration should be given to accepting the jurisdiction of the Court, including on an optional basis.

To conclude, we would like to state that, while recognizing that in contemporary international law there is an intrinsic but unavoidable paradox between the obligation of States to settle their disputes in a peaceful manner and the paramount need for sovereign consent to put into practice such settlement mechanisms, it is our firm conviction that the International Court of Justice plays a crucial role in the international legal order and that that role will be increasingly accepted by the entire international community.

**Mr. Koch** (Germany): The International Court of Justice is the principal judicial organ of the United Nations. It is the only court with its legal basis in the very Charter of the United Nations, and, thanks to the Charter, its membership is truly universal. That gives the Court enormous prestige and weight, which it can use to play its important role in the peaceful settlement of conflicts in accordance with the rules of international law. Germany has always supported the Court, and I would like to take this opportunity to reaffirm our support once again today.

I want to highlight two specific issues of particular importance.

First, the Court can be an effective means for the peaceful settlement of disputes and the furtherance of international law as the defining framework of international relations only if its judgments are implemented. Compliance by the parties to a case with the judgment of the Court, as required by Article 94 of the Charter, is therefore of obvious and paramount importance. Refusal or failure to comply with a judgment not only frustrates the Court's efforts to bring to a conclusion the dispute in question, it also undermines respect for the Court, and therefore its overall efficiency as an instrument for settling disputes, far beyond any single case. It should also be noted that it is for the Court to decide whether the conditions for its jurisdiction are met. Once the Court has decided that it has jurisdiction, the parties should accept its decision. Both of those points, incidentally, apply to other courts, tribunals and arbitral tribunals as well.

Secondly, the Court's jurisdiction, like that of other international tribunals and arbitral tribunals, is based on the consent of the States concerned. That is a well-established principle in international law. Consent may

be granted ad hoc with regard to a specific dispute or it may be declared in advance, in a general way, as provided for in Article 36, paragraph 2, of the Statute of the Court. Germany has made a declaration under Article 36, paragraph 2, and we call upon others to consider a similar step.

The obverse of the aforementioned principle, however, is that there can be no dispute settlement by the Court without the consent of the parties to the dispute. That does not mean that what is essentially a dispute between two States should be turned into an abstract legal question on which the Court is then asked to give an advisory opinion. Such a development would also put the Court in a difficult position. Rather, the advisory opinion procedure is meant for cases where a legal issue as such is of widespread interest to many or all States.

The International Court of Justice is the most prominent instrument for settling disputes on the basis of law. States should cherish it for that reason, and, what is more, they should make proper use of it to settle their disputes more often.

**Mr. Meza-Cuadra** (Peru) (*spoke in Spanish*): Peru welcomes the report of the International Court of Justice on its work during the period from 1 August 2015 to 31 July 2016 (A/71/4) and thanks the Court's President, Judge Ronny Abraham, for introducing it.

My delegation would like to begin its statement by underscoring the fundamental role played by the International Court of Justice, the principal judicial organ of the United Nations, in the system of peaceful settlement of disputes established in the Charter of the United Nations. Its work is an essential contribution to the promotion of the rule of law at the international level. We recall that, in addition to that valuable function, in accordance with Article 96 of the Charter, the Court's advisory opinion may be requested by the General Assembly, the Security Council and other organs and specialized agencies of the United Nations system. Those are the two areas of responsibility of the Court. Through its judgments and opinions, it helps to promote and clarify international law as a true pathway to peace. Accordingly, my delegation would like to point out that the Assembly has once again urged States that have not yet done so to consider the possibility of recognizing the Court's jurisdiction, in accordance with Article 36, paragraph 2, of its Statute.

My delegation would like to acknowledge the work carried out by the eminent judges of the Court, in particular the President and Vice-President, and by the ad hoc judges. By the same token, we would like to put on record our gratitude for the considerable work carried out by the Registry of the Court, in particular by the Registrar and the Deputy Registrar. In that context, we call on the Assembly to continue to give careful consideration to the needs of the Court.

The sustained level of activity of the Court is the expression of the prestige enjoyed by that principal judicial organ of the United Nations. That prestige is also reflected in the diverse geographical distribution of the cases brought before it, which reaffirms the universal character of its jurisdiction. It was thanks to the Court that the maritime boundary dispute between Peru and Chile was resolved peacefully and pursuant to international law. The high level of activity of the Court can be partly explained by the numerous measures adopted in recent years to improve its efficiency and to allow it to handle its ever-increasing workload, including the expedited processing of the growing number of incidental proceedings.

Additionally, Peru welcomes the various activities in April in The Hague, particularly the solemn sitting on 20 April held to commemorate the seventieth anniversary of the inaugural sitting of the Court. We note with satisfaction that the photographic exhibition organized for that occasion at the Peace Palace was recently brought to United Nations Headquarters in New York.

We once again thank the host country, the Kingdom of the Netherlands, for its ongoing commitment to and support for the work of the Court. We reiterate our belief that there should be greater cooperation between the Court and the other principal organs of the United Nations, in New York. In that regard, my delegation encourages the good relations between the Court and the Security Council to continue.

I would like to end my statement by expressing our gratitude once again to the Court for its continuous contribution to international peace and justice and to the effective implementation of the principle of pacific settlement of disputes between States.

**Ms. Pino Rivero** (Cuba) (*spoke in Spanish*): Cuba aligns itself with the statement delivered earlier by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

The Republic of Cuba welcomes the presentation of the report of the International Court of Justice (A/71/4). We also wish to express our commitment to the strict application of international law and the peaceful settlement of international disputes.

Cuba recognizes the work of the Court since its inception. Its decisions and advisory opinions have been vital, not only for the cases brought before it, but also for the development of public international law. The volume of cases referred to it, many of them from the Latin American and Caribbean region, show the importance the international community attaches to the peaceful settlement of disputes.

The Republic of Cuba greatly values the peaceful settlement of disputes under Article 33, paragraph 1, of the Charter of the United Nations. It regrets that certain of the Court's rulings have not been implemented, in open violation of Article 94 of the Charter, which establishes that each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party. That situation reflects the need to reform the United Nations system to give developing countries greater guarantees in their dealings with powerful countries.

Cuba believes that it would be useful for the Court to take stock of its relationship with United Nations bodies, particularly the Security Council.

The Court has heard many significant cases. Cuba attaches great importance to the advisory opinion, issued unanimously on 8 July 1996, on *Legality of the Threat or Use of Nuclear Weapons*. In it the Court concluded that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. In that regard, and as has been expressed in this Hall, Cuba urges full compliance with the advisory opinion of 9 July 2004 on *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and calls upon all States to respect and ensure respect for the Court's stipulations in that important matter.

Cuba also attaches great importance to the allocation of the necessary budgetary resources for the Court so that it can adequately carry out its work of peacefully resolving the disputes under its jurisdiction, and urges that the necessary resources be found so that they reach the Court in an appropriate and timely manner.

The Republic of Cuba thanks the Court for the publications it has made available to the Governments parties to the Statute and for its online resources. They are valuable material for the dissemination and study of fundamental public international law, particularly for developing countries, some of which have no access to information regarding advances in international law.

Cuba has been a peace-loving country, respectful of international law. It has always faithfully complied with its international obligations deriving from the treaties to which it is party. Accordingly, Cuba would like to take this opportunity to reiterate its commitment to peace.

The events in recent years are a reliable demonstration of the importance of the International Court of Justice as an organ with international jurisdiction that, peacefully, in good faith and in accordance with international law, settles the disputes of great impact on the international community.

**Mr. Argüello** (Nicaragua) (*spoke in Spanish*): On more than one occasion, the General Assembly has seen that the adjudication of legal disputes, particularly the referral of cases to the International Court of Justice, should not be regarded as an unfriendly action among Staates. Yet, after 70 years of work by the Court — which we are celebrating this year — only 72 States have recognized the compulsory jurisdiction of the principal judicial organ of this Organization.

From the time that the League of Nations was established, there has been an understanding about the imperative need for an international legal body to promote and contribute to the peaceful settlement of disputes — hence the birth of the Permanent Court of International Justice. The United Nations validated that understanding by establishing the present International Court of Justice.

Over the past seven decades, the Court has been a cornerstone in the development of international law and, to some extent, in the strengthening of friendly relations among States, as it has applied international law to resolve numerous disputes that otherwise might have become threats to international peace. It has also provided important support to the work of the General Assembly through its advisory opinions on topics of vital importance to the Organization, and in doing so has bolstered respect for the rule of law at the international level.

The report before us reflects the trust that Member States have in this principal judicial organ of the United Nations, as is confirmed by the growing number of cases. The heavy workload merits additional resources, not fewer. We should recall that the cases brought before the Court concern, for the most part, sensitive topics or issues with major legal, political or social implications for Member States and their populations, and sometimes for multiple States within a region. And because of the complexity of the issues, complex technical advice is often needed. Therefore, making available adequate human and technical resources enhances the effectiveness and independence of the Court. Its work is unique even though there has been a proliferation of international courts with budgets far greater than that of the International Court of Justice.

For that reason, we find it particularly disturbing that the Court, with the enormous amount of work that it does and given its very sensitive and crucial mission, is to have its budget cut by 10 per cent compared to the last biennium, as indicated in paragraph 33 of the Court's report (A/71/4). It would therefore appear that this institution, which is a fundamental pillar of the United Nations, has been treated like the Cinderella of the house. In past years, the International Law Commission has also suffered a budget cut and the stipend for its members was reduced to $1, and now the budget of the principal organ of international justice is also being reduced. We must not allow that to happen.

In the case of Nicaragua, a small developing country, access to the International Court of Justice has been crucial in safeguarding our national interests. We have had recourse to the Court on several occasions. In 2015 alone, Nicaragua was involved in oral arguments for four different cases, and in two of those cases judgments on the merits were handed down. In the other two, Colombia's preliminary objections to the Court's jurisdiction were rejected. As a State party in different cases, Nicaragua knows at first hand the financial challenges that on occasion obligate the Court to recover the costs of certain proceedings. That causes difficulties for less wealthy countries and for the general working of the institution.

Countries that have been party to international litigation know the enormous costs thereof, but we want our rights to use peaceful settlement mechanisms to be respected, and Nicaragua will spare no expense to that end. International law should be defended at all costs. And the Court does so with low expenditures and excellent administration. In this regard, we recall that there is a trust fund to assist States in settling disputes through the International Court of Justice. This is an important mechanism for facilitating access for developing countries. States are therefore encouraged to consider making contributions to the fund, particularly on the occasion of the seventieth anniversary of the Court.

To conclude, Nicaragua would like to take this opportunity to reaffirm that in all cases it has been involved in we have faithfully complied with our international obligations, and we expect reciprocity from other parties in terms of abiding by the rulings of the International Court of Justice in cases to which they are parties. We would like to recall that "the existence of a dispute shall [not] permit the use of force or threat of force by any of the States parties to the dispute" (*resolution 37/10, annex, sect. I, para. 13*).

Once again, we thank the Court for its report and note that although much remains to be done to ensure respect for justice and international law, the experience acquired during 70 years of the work of this international tribunal has brought us valuable opportunities to achieve peace, a fundamental purpose of the United Nations and an ongoing desire of humankind.

**Mr. Bailen** (Philippines): We align ourselves with the statement delivered earlier by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

The very first purpose of the United Nations is to maintain international peace and security. Article 1, paragraph 1 of the Charter of the United Nations obligates us

> "to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace".

To maintain international peace and security, all Member States are duty-bound to settle their disputes by peaceful means, including through judicial settlement and in conformity with the principles of justice and international law. As the principal judicial organ of the United Nations, the International Court of Justice plays a central role in the peaceful settlement of disputes as the condition sine qua non for maintaining international peace and security.

That point was recognized no less by the Manila Declaration on the Peaceful Settlement of International Disputes, which the General Assembly adopted in 1982 (resolution 37/10, annex). The Manila Declaration is the first comprehensive plan and consolidation of the legal framework for the peaceful settlement of international disputes, building upon the Charter of the United Nations, in particular its Article 33, and general international law. It may be no coincidence that the caseload of the Court doubled in the era ushered in by the Manila Declaration.

Four years ago, the Assembly also affirmed the Court's essential contribution to the rule of law in paragraph 31 of its landmark Declaration on the rule of law at the national and international levels.

This year, the Philippines joins the commemoration of the Court's seventieth anniversary. On this happy occasion, we extend our warm greetings to the entire team at The Hague, led by President Ronny Abraham, whom we also thank for his comprehensive report on the work of the Court in the past year.

In the period under review, the Court was seized of 14 cases, ranging from territorial and maritime disputes and violations of territorial integrity and sovereignty to the unlawful use of force, interference in domestic affairs, international humanitarian and human rights law, to environmental damage and the conservation of living resources. The increasing confidence shown by Member States, especially among developing countries, in the capabilities, credibility and impartiality of the Court to settle disputes by peaceful means, is not unrelated to the norms, values and aspirations articulated by the Manila Declaration, the most fundamental of which is not to use, or threaten to use, force.

The contemporary international legal architecture has strengthened the Court as the only forum for resolving justiciable disputes between States with respect to the vast field of general international law. It is the only international court of a universal character with general jurisdiction, which is why we renew our call for Member States that have not yet done so to accept the compulsory jurisdiction of the Court. It is also why we reiterate our call on the Security Council to more seriously consider Article 96 of the Charter of the United Nations, and make greater use of the Court as a source of advisory opinions and of interpretation of relevant norms of international law, particularly on the most current and controversial issues affecting international peace and security.

Finally, the General Assembly, as a matter of courtesy and due process and in the interest of transparency and fairness in the efficient administration of justice, should always consult with the Court with respect to its budget. The Court should always have the opportunity to make its views and specific needs known in the budget process.

The Philippines believes that only through the rule of law in international relations can we guarantee the respect, order and stability that we the peoples of the United Nations are striving to achieve.

**Mr. Alday González** (Mexico) (*spoke in Spanish*): Mexico wishes to express its appreciation to the International Court of Justice for the activities it has undertaken this year, and is grateful to its President, Judge Ronny Abraham, for the valuable report he has presented (A/71/4).

We extend our congratulations to the Court on its seventieth anniversary. In its work as the principal judicial organ of the United Nations, the International Court of Justice has handled more than 130 contentious cases. Through its rulings it has helped prevent and put an end to specific disputes and conflicts that have threatened the maintenance of international peace and security.

Today we face the emergence of a broad range of controversies, from climate justice to the new modalities and actors of armed conflicts, which challenge international law and the political organs of the United Nations itself. The effectiveness of the Court is therefore more necessary than ever if peaceful solutions are to be found.

In its Declaration on the rule of law at the national and international levels, in 2012, the General Assembly recognized that the International Court of Justice plays a major role in contributing to and promoting the rule of law at the international level. This goes hand in hand with the implementation of Goal 16 of the 2030 Agenda for Sustainable Development, which specifically seeks to strengthen a genuine rule of law as a prerequisite for accountability, justice and peace.

We welcome the fact that during the reporting period, another State deposited its declaration of acceptance of the compulsory jurisdiction of the Court, making a total of 72 States that have accepted its

jurisdiction. We call on States that have not yet done so to recognize the binding jurisdiction of the Court so that the operative and preventive capacity of this organ can be extended and strengthened.

However, we note with some concern certain actions taken by some States that put restrictions on this organ, by, for example, formulating reservations on the exercise of jurisdiction of the Court, denouncing treaties that establish jurisdictional clauses in favour of the Court, or opposing the inclusion of articles for the peaceful settlement of disputes referred to the Court in the negotiation processes of new international treaties.

We wish to stress that compliance with the judgments of the Court, including those related to the granting of provisional measures, is essential for reducing political tensions among States. If left unaddressed, these issues can escalate into international conflicts.

We are pleased to note that, according to the report, States from all regions of the world have resorted to the Court. The delegation of Mexico would particularly like to highlight that, of the 11 cases pending, 6 involve Latin America and the Caribbean. This has in fact become a trend in recent years and demonstrates the commitment of our region to international law and the principle of the peaceful settlement of disputes set out in Article 33 of the Charter of the United Nations.

The ruling of the Court during the reporting period represents an important contribution to the interpretation of international law, reaffirming the scope of the obligation contained in international environmental law in order to assess the environmental impact of activities that may result in transboundary damages as well as the importance of the precautionary principle in the matter. The ruling also contributes to reaffirming the navigation rights of States.

The Court also had three cases under review in this period which, thanks simply to their presentation, served to highlight the effect of customary obligation of States to negotiate effective measures for the cessation of the nuclear arms race, nuclear disarmament and the adoption of a treaty on general and complete disarmament.

Mexico welcomes the work done to strengthen publicity and transparency of the work of the Court, taking advantage of new technologies. These contribute to the dissemination of international law and also serve as tools for States, academia and society in general.

We reiterate the important fact that, as part of these efforts, we should soon have access to all judgments of the Court in all official languages of the United Nations. Mexico wishes to reiterate the importance of endowing the Court with sufficient funds to fulfil its mandate effectively, especially as there has been a steady increase in the number of cases that are submitted to it.

Finally, we call for the continued modernization of the International Court of Justice so that it may continue to be useful and relevant in the current global context, as it has indeed been for the past 70 years.

**Ms. Metelko-Zgombić** (Croatia): Croatia thanks the President of the International Court of Justice, Judge Ronny Abraham, for his report on the work of the Court over the past year.

In the reporting period, the Court deliberated on a significant number of cases raised before it by States on a wide array of topics and issues. Croatia continues to follow the work of the International Court of Justice and all its activities with careful and engaged interest.

Croatia remains an unequivocal advocate of the peaceful settlement of disputes between States and the avoidance of conflict, based on the premise of adherence to the rule of international law. In this vein, we recall that the rule of international law and respect for its norms include the requirement to respect treaties in force in good faith, as breaches of treaties, and especially of their essential provisions, prevent the fulfilment of their object and purpose and thereby erode the rule of law and international relations.

The principal judicial organ of the United Nations is pivotal in ensuring that the rule of law on the international level is strengthened and secured. Its role in this regard is essential, as the International Court of Justice serves as a signpost for other international tribunals and third-party settlement mechanisms -- in other words, for international adjudication in general.

International adjudication in general must be developed in accordance with the highest legal and moral standards. The confidence of States that disputes will be decided upon competently, independently and impartially as well as within the realm of international law is of paramount importance for the willingness of States to turn to judicial settlement for the resolution of their disputes and their choice of the legal framework over any other. In that connection, the lack of independence and impartiality in international

adjudication undermines the very pillars of the international judicial architecture, strips it of its hard-fought authority and threatens our perennial efforts to develop and secure it, while at the same time propelling States into unending disputes and diminishing the trust of States in third-party settlement mechanisms.

As jurisprudence within the framework of applicable international law must be stable and predictable, so also must its procedures and the ways of accessing it. Croatia's unwavering commitment to international law and its proper application goes hand in hand with its support for the International Court of Justice in its efforts in this regard.

*The meeting rose at 1 p.m.*